

Senate File 464 - Introduced

SENATE FILE 464

BY KNOX

A BILL FOR

1 An Act requiring inmates to be paid the Iowa minimum wage
2 for labor performed in or while under the custody of an
3 institution under the control of the Iowa department of
4 corrections.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 904.508, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. Pursuant to [section 904.702](#), the director shall
4 establish and maintain an inmate savings fund in an
5 interest-bearing account for the deposit of all or part of an
6 inmate's ~~allowances~~ wages and amounts, except amounts directed
7 to be deposited in the inmate telephone fund established in
8 section 904.508A, sent to the inmate from a source other than
9 the department. All or part of an inmate's ~~allowances~~ wages
10 and amounts, except amounts directed to be deposited in the
11 inmate telephone fund established in [section 904.508A](#), from
12 a source other than the department shall be deposited into
13 the savings fund, until the inmate's deposit is equal to one
14 hundred dollars as provided in [section 906.9](#). If an inmate's
15 deposits are equal to or in excess of one hundred dollars, the
16 inmate may voluntarily withdraw from the savings fund. The
17 director shall notify the inmate of this right to withdraw
18 and shall provide the inmate with a written request form
19 to facilitate the withdrawal. If the inmate withdraws and
20 the inmate's deposits exceed the amount due as provided in
21 section 906.9, the director shall disburse the excess amount
22 as provided for ~~allowances~~ wages under [section 904.702](#), except
23 the director shall not deposit the excess amount in the inmate
24 savings fund. If the inmate chooses to continue to participate
25 in the savings fund, the inmate's deposits shall be returned
26 to the inmate upon discharge, parole, or placement on work
27 release. Otherwise, the inmate's deposits shall be disposed
28 of as provided in [subsection 3](#). An inmate's deposits into
29 the savings fund may be used to provide the money due the
30 inmate upon discharge, parole, or placement on work release, as
31 required under [section 906.9](#). Interest earned from the savings
32 fund shall be placed in a separate account, and may be used for
33 purchases approved by the director to directly and collectively
34 benefit inmates.

35 Sec. 2. Section 904.701, subsection 2, Code 2023, is amended

1 to read as follows:

2 2. The director ~~may when practicable shall~~ pay the
3 inmate an allowance ~~as the director deems proper in view of~~
4 ~~the circumstances, and in view of the cost attending the~~
5 ~~maintenance of the inmate. The allowance is a gratuitous~~
6 ~~payment and is not a wage arising out of an employment~~
7 ~~relationship. The payment shall not exceed the amount paid to~~
8 ~~free labor for a like or equivalent service~~ hourly wage which
9 shall not be less than the minimum wage established in section
10 91D.1, subsection 1, paragraph "b".

11 Sec. 3. Section 904.702, subsection 1, Code 2023, is amended
12 to read as follows:

13 1. ~~If allowances are paid pursuant to section 904.701, the~~
14 The director shall establish an inmate account, for deposit of
15 ~~those allowances inmate wages paid pursuant to section 904.701~~
16 and for deposit of moneys sent to the inmate from a source
17 other than the department of corrections. The director may
18 deduct an amount, not to exceed ten percent of the amount of
19 the ~~allowance~~ wage, unless the inmate requests a larger amount,
20 to be deposited into the inmate savings fund as required under
21 section 904.508, subsection 2. In addition to deducting a
22 portion of the ~~allowance~~ wage, the director may also deduct
23 from an inmate account any amount, except amounts directed
24 to be deposited in the inmate telephone fund established in
25 section 904.508A, sent to the inmate from a source other than
26 the department of corrections for deposit in the inmate savings
27 fund as required under section 904.508, subsection 2, until
28 the amount in the fund equals the amount due the inmate upon
29 discharge, parole, or placement on work release. The director
30 shall deduct from the inmate account an amount the inmate is
31 legally obligated to pay for child support. The director
32 shall deduct from the inmate account an amount established
33 by the inmate's restitution plan of payment. The director
34 shall also deduct from any remaining account balance an amount
35 sufficient to pay all or part of any judgment against the

1 inmate, including but not limited to judgments for taxes and
2 child support, and court costs and fees assessed either as a
3 result of the inmate's confinement or amounts required to be
4 paid under [section 610A.1](#). Written notice of the amount of
5 the deduction shall be given to the inmate, who shall have
6 five days after receipt of the notice to submit in writing any
7 and all objections to the deduction to the director, who shall
8 consider the objections prior to transmitting the deducted
9 amount to the clerk of the district court. The director need
10 give only one notice for each action or appeal under section
11 610A.1 for which periodic deductions are to be made. The
12 director shall next deduct from any remaining account balance
13 an amount sufficient to pay all or part of any costs assessed
14 against the inmate for misconduct or damage to the property of
15 others. The director may deduct from the inmate's account an
16 amount sufficient to pay for the inmate's share of the costs of
17 health services requested by the inmate and for the treatment
18 of injuries inflicted by the inmate on the inmate or others.
19 The director may deduct and disburse an amount sufficient
20 for industries' programs to qualify under the eligibility
21 requirements established in the Justice Assistance Act of 1984,
22 Pub. L. No. 98-473, including an amount to pay all or part
23 of the cost of the inmate's incarceration. The director may
24 pay all or any part of remaining allowances paid pursuant to
25 section 904.701 directly to a dependent of the inmate, or may
26 deposit the ~~allowance~~ wage to the account of the inmate, or
27 may deposit a portion and allow the inmate a portion for the
28 inmate's personal use.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill requires inmates to be paid the Iowa minimum
33 wage for labor performed in or while under the custody of
34 an institution under the control of the Iowa department of
35 corrections.

1 Current law provides that the director of the department of
2 corrections may when practicable pay the inmate an allowance as
3 the director deems proper in view of the circumstances, and in
4 view of the cost attending the maintenance of the inmate. The
5 allowance is a gratuitous payment and is not a wage arising out
6 of an employment relationship. The payment shall not exceed
7 the amount paid to free labor for a like or equivalent service.

8 The bill provides that the director shall pay the inmate
9 an hourly wage which shall not be less than the minimum wage
10 established in Code section 91D.1(1)(b).

11 The bill provides that the director shall establish an
12 inmate account for deposit of inmate wages paid pursuant to
13 Code section 904.701 and for deposit of moneys sent to the
14 inmate from a source other than the department of corrections.
15 The director may deduct up to 10 percent of the amount of
16 the wage, to be deposited into the inmate savings fund. The
17 director may also deduct from an inmate account any amount
18 sent to the inmate from a source other than the department
19 of corrections for deposit in the inmate savings fund until
20 the amount in the fund equals the amount due the inmate upon
21 discharge, parole, or placement on work release. The director
22 shall deduct from the inmate account the following: an amount
23 the inmate is legally obligated to pay for child support; an
24 amount established by the inmate's restitution plan of payment;
25 an amount sufficient to pay all or part of any judgment against
26 the inmate, including but not limited to judgments for taxes
27 and child support; court costs and fees assessed as a result of
28 the inmate's confinement; and an amount sufficient to pay all
29 or part of any costs assessed against the inmate for misconduct
30 or damage to the property of others. The director may pay all
31 or any part of remaining wages paid directly to a dependent
32 of the inmate, or may deposit the wages to the account of the
33 inmate, or may deposit a portion and allow the inmate a portion
34 for the inmate's personal use.